

KIRK JOHN NORTHUP	§	
v.	§	CIVIL ACTION NO. 6:11cv222
OLIVER BELL, ET AL.	§	

The Plaintiff Kirk Northup, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The lawsuit was dismissed on July 9, 2012, after an evidentiary hearing. On January 11, 2013, Northup filed motions for relief from judgment and to recuse the District Judge and Magistrate Judge. A Report was entered on March 5, 2013, recommending that these motions be denied. Northup did not file objections to this Report; instead, he filed a “motion for voluntary dismissal,” stating that he had been moved to another prison unit and his claims were now moot.

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The Court has reviewed the pleadings in this cause as well as the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 53) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for relief from judgment (docket no. 50) be and hereby is DENIED. It is further

ORDERED that the Plaintiff's motion to recuse the Magistrate Judge and the District Judge (docket no. 51) is hereby DENIED. Finally, it is

ORDERED that the Plaintiff's motion for voluntary dismissal (docket no. 56) is DENIED as moot and unnecessary, in that the case had already been dismissed at the time that the motion was filed.

So ORDERED and SIGNED this 21st day of May, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**